

MAY - 2 2006



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SENDER: Bridget C. Sciamanna

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DATE: May 2, 2006

OPERATOR: Sue Dunbar

Re: USSN 10/693,371
Attorney Docket No. FL/140

1. Letter of Transmittal (1 page)
2. Response to Requirement for Election/Restriction of Species (1 page)

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MAY - 2 2006

Customer No. 28596
Attorney Docket No.: FL/140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zukor et al.

Serial No.: 10/693,371

Filed: October 24, 2003

For: Processing Cap Assembly for Isolating
Contents of a Container

) Group Art Unit: 3749

) Examiner: Jiping Lu

) I hereby certify that this correspondence is
) being facsimile transmitted to: Commissioner
) for Patents, P. O. Box 1450, Alexandria, VA
) 22313-1450.

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450


Susan H. Dunbar

May 2, 2006
(date of faxing document)

LETTER OF TRANSMITTAL

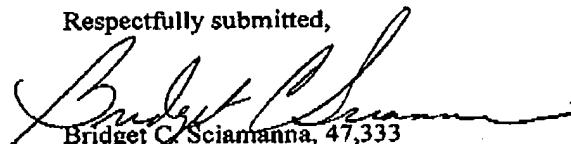
Dear Sir:

We enclose the following papers for filing in the U. S. Patent and Trademark Office in connection with the above-identified Patent Application:

1. Response to the Requirement for Election/Restriction of Species (1 page)

THE COMMISSIONER IS HEREBY AUTHORIZED AND IS REQUESTED TO CHARGE ALL FILING FEES DUE UNDER 37 C.F.R. §1.16 AND ALL OTHER FEES DUE UNDER §1.17 DURING THE PENDENCY OF THIS APPLICATION TO OUR DEPOSIT ACCOUNT NO. 07-1729.

Respectfully submitted,


Bridget C. Sciamanna, 47,333
W. L. Gore & Associates, Inc.
551 Paper Mill Road
P.O. Box 9206
Newark, DE 19714-9206
(302) 738-4880

Date: May 2, 2006

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For: Processing Cap Assembly for Isolating
Contents of a Container


Susan H. Durlber

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

May 2, 2006
(date of faxing document)

**RESPONSE TO THE REQUIREMENT
FOR ELECTION/RESTRICTION OF SPECIES**

Dear Sir:

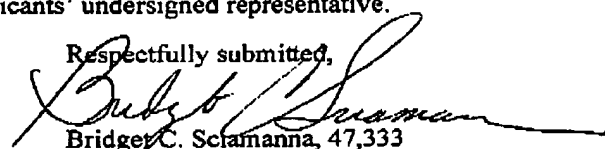
In response to the Requirement for Election/Restriction of Species in the Office Action of April 20, 2006, Applicants hereby traverse the restriction and ask for reconsideration based on the following comments.

MPEP section 803, sets forth the requirements that an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct; and there would be a serious burden on the Examiner if restriction was not required.

Claims 1-36 are all related and drawn to a novel cap assembly. No serious burden would be placed on the Examiner by allowing all of the claims to remain in this application, as both groups of claims are related to a cap assembly which allows vapor passage between the container and an external atmosphere. Thus, due to the relationship of the claims, a search directed to the Group I claims would result in finding art pertinent to the Group II claims. Accordingly, Applicants believe that restriction in this application would not be proper.

In the event that the Examiner will not withdraw the requirement in consideration of the above stated remarks, Applicants hereby elect Group I, claims 1-21, and 27-36. If any further action on the part of Applicants is deemed necessary, the Examiner should not hesitate to contact Applicants' undersigned representative.

Respectfully submitted,


Bridget C. Sciamanna, 47,333
W. L. Gore & Associates, Inc.
551 Paper Mill Road
P.O. Box 9206
Newark, DE 19714-9206
(302) 738-4880

Date: May 2, 2006